

ORIGINAL

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U.S. DISTRICT COURT E.D.N.Y.

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★ AUG 02 2022 ★
BROOKLYN OFFICE

UNITED STATES COURT OF THE
SOUTHERN DISTRICT OF NEW YORK

LUCIO CELLI,
Petitioner,

vs.

JUDGE ENGELMAYER,¹ JUDGE SWAIN,²
JUDGE LIVINGSTON,³ YANA SEGAL,⁴
CATHERINE O'HAGAN-WOLFE,⁵ PATRICK
FIN,⁶ AG GARLAN⁷, AUSA PEACE⁸,
ANTHONY,⁹ AUSA KARAMIGOUS,¹⁰ AUSA
BENSING,¹¹ OFFICER LOMBARDO, MS.
WEINRAUCH, MS. KELLAMAN, MR.
PEREZ AND MR. SILVERMAN

Case No.:
JURY

CV 22-4646

KOMITEE, J.

BLOOM, M.J.

- 14 1. I bring this action as injunction for probation, Ms. Kellman, Mr. Silverman and
15 Mr. Silverman for depriving me access to the court, which is illegal under 18
16 USC 18 USC § 241 because, according to Judge Engelmayer, "it was planned
17 this way" and Ms. Kellman said, "the judge told me to make sure you are
18 placed in a mental institution with the Judge Engelmayer saying, "I called Ms.
19 Kellman especially for you."

20 ¹ Judicial Immunity from Oct. 16, 2020 to April 5, 2021, but Judge Engelmayer lost judicial
21 immunity/capacity when he practiced law on April 6, 2020—but whomever is assign will decide
22 ultimately

23 ² Judicial Immunity

24 ³ Judicial Immunity

25 ⁴ As a clerk, she is entitled to Judicial Immunity

26 ⁵ As a clerk, she is entitled to Judicial Immunity

27 ⁶ As a clerk, he is entitled to Judicial Immunity

28 ⁷ Prosecutorial Immunity

29 ⁸ Prosecutorial Immunity

30 ⁹ Judge Engelmayer's clerk, which I do not know his last name, but he is entitled to judicial
31 immunity

32 ¹⁰ Prosecutorial Immunity

33 ¹¹ Prosecutorial Immunity

34 JURY - 1

- 1 2. Judge Engelmayer said, "you will never receive justice here" on April 6, 2021
- 2 3. Judge Engelmayer planned it with the helped of Ms. Kellman
- 3 4. My brother has emailed Ms. Kellman that over 90 AUSAs know of her
- 4 misconduct and once they hear what she did on May 4, 2022, they will know
- 5 that she obstructed justice by not calling Mr. Silverman and 90 AUSAs who
- 6 have the audios of Judge Engelmayer bullying me or Mr. Silverman saying that
- 7 he did not do his job because of Randi Weingarten
- 8 5. Ms. Kellman informed the judge that she was prepared for May 4, 2022, but the
- 9 audios prove that Ms. Kellman told me that she was not reading anything
- 10 beyond the special condition.
- 11 6. Ms. Kellman knew that AUSA Karamigous suborned perjury
- 12 7. Ms. Kellman knew that Officer Lombardo committed perjury and wrote a false
- 13 report
- 14 8. Ms. Kellman has not answered me in a month and half about any issue
- 15 9. I told Ms. Kellman to inform the judge, but he knows it because it planned it,
- 16 that perjury was committed to obtain the decision with a false report—which
- 17 was told her prior March 22, 2022, and she did nothing
- 18 10. I told Ms. Kellman to inform the judge that I do not trust her and see the
- 19 reasons below
- 20 11. I provided Mr. Silverman with documents to maintain my claim that Ms.
- 21 Kellman did not do anything and over 90 AUSAs knows of her misconduct
- 22 12. I told probation to get me a date with the judge and they impeded me from the
- 23 court.
- 24 13. Judge Engelmayer said, "I told him (Lombardo) not to write what Mr.
- 25 Silverman did because I am protecting him,' which is obstruction of justice
- 26 because Mr. Amundson and others at the DOJ have Mr. Silverman saying he
- 27 won't file my criminal complaints
- 28 14. Mr. Lombardo was to tell his supervisors and his supervisors were to tell Judge
- 1 Livingston
- 2 15. Officer Weinrauch knew that Officer Lombardo lied about me wanting
- 3 Lombardo to investigate Judge Engelmayer ...I said to forward the audio of in
- 4 person court audio to Chief Livingston
- 5 16. Prior to May 4, 2022, I sent all some of the audio that are on my computer that
- 6 probation has; therefore, 90 AUSAs know that probation committed a crime
- 7 under 18 USC § 1804
- 8 17. The audios sent were from the "Ms. Kellman" file, but there is another file
- 9 called Federal recordings that probation should have sent to Judge Livingston
- 10 18. Many of the DOJ personnel said that my rights were being taken for Randi
- 11 Weingarten and that she someone fixing cases against you
- 12 19. Sen. Schumer has repeatedly said, "Randi is like a sister to me"

- 1 20. Betsy Combier played me an audio recording of Randi Weingarten paying
2 Judge Marrero (Schumer) received \$10,000 dollars to hide Randi Weingarten's
3 misconduct in c Case No. 1:08-cv-00548-VM-AJP and caption was called
4 Teacher4action v. Bloomberg et al, therefore the assumption that this judge
5 received the same payment to help hide Randi Weingarten's conduct because
6 EVERYONE, EVERYONE outside the 2d. Cir. knew Randi Weingarten and
7 Judge Cogan committed crimes and that the AUSAs of EDNY were helping .
8 21. Except for Judge Cooper, all judges that I have had were recommended by Sen.
9 Schumer
10 a. Judge Engelmayer lied about his association and called me stupid and
11 crazy
12 b. Judge Donnelly lied at first, but once I reminded her of thier duagthers
13 going to school together, then her memory came back
14 c. Judge Swain, she ignored the question
15 d. Judge Seibel and Judge Matsumoto, they ignored the fact that Sen.
16 Schumer was listed and Judge Matsumoto was told about recusal
17 e. Judge Brodie, Judge Livingston, etc, they did not state their assocation
18 22. Many DOJ that AUSAs of EDNY and judges were helping Randi Weingarten
19 and I had to figure out who it was because they are going out of their way to
20 protect her and retaliate against me for her ...Sen. Schumer is the person that I
21 say it is.
22 23. I never had to pay anyone for their opinion or get a senator to help me, like
23 Randi Weingarten and EVERYONE knows that the system is helping
24 her,which is the reason they are hiding details, which I have pointed out below
25 because my lawyer, AUSA Karamigous hid the facts how they helped Randi
26 Weingarten
27 24. The motions sent to Mr. Silverman, Mr. Perez and Ms. Kellman, they were sent
28 to Ms. Kopplin of the Senate Ethics Committee and Mr. Amundson
25 25. Mr. Perez and Ms. Kellman have not answered me and are depriving me access
26 to the court
27 26. Mr. Silverman answered but he is claiming that so many were sent to him that
28 he does not know...only 3 there sent to him, which was audio recorded.
27 27. The motions to deal with new counsel because I do not trust Ms. Kellman, stay
28 of the order of evaluation because of the misconduct of the government and my
 lawyer (unfair hearing based on perjury and false report), and one that I do not
 remember.

- 1 28.Judge Swain knows that Judge Engelmayer uses Ms. Kellman to deprive people
 2 of liberty, as I found a few cases that kind of like mine, but the complaints are
 3 not detailed on how they deprived them of liberty, but I understood them to be
 4 claiming deprivation of liberty without due process of the law
 5 29.Clerk Segal and Clerk Fin each know that I have audios to prove my allegation
 6 of intimidation and that Judge Engelmayer edited him saying, "I'll tell you your
 7 intent."
 8 30.Clerk Wolfe has not answered me in 3 year about missing documents, like the
 9 Judge Cogan's misconduct that I do have over 80 DOJ (like AUSA Gold)
 10 saying Judge Cogan committed a crime against me with borderline IG students
 11 who know that Judge Cogan used his office for the UFT.
 12 31.Now, Judge Engelmayer said, "it was planned this way." **THEREFORE**, are
 13 knowingly covering up Judge Engelmayer's conduct
 14 32.The clerks know that Mr. Perez did not write a brief for me and that a crime is
 15 being covered up .
 16 33.Anthony, Judge Engelmayer's clerk, knows that the judge intimidated me,
 17 allowed Mr. Silverman to commit crimes against me, per AUSA Shaw, and
 18 deprive me a fair trial
 19 a. Anthony was to notify Chief Judge Livingston and I have DOJ personnel
 20 also said they that is what he needed to do

16 Supposed violation	17 The truth with audios sent to every 18 single AUSA in the country—the 19 statements below should appear on 20 the transcripts, if Judge Engelmayer 21 did not edit them, since he has that 22 dirty habit
23 I informed Judge Engelmayer that I would 24 place a rule 60, under Full and Fair Credit 25 Clause before Judge Cogan 26 A. Judge Cogan wrote the briefs that the 27 arbitrator quoted	24 A. I told Judge Engelmayer on 25 Dec. 1. 2021 with Full and Fair 26 Credit Clause with facts of 27 Judge Cogan's knowledge"

<p>1 B. Judge Cogan negotiated the CBA for 2 the UFT, while at Strook for over 20 3 years</p> <p>4 C. Both Judge Engelmayer and AUSA 5 Karamigious said I had no business 6 on a close docket</p>	<p>1 B. The judge approved that I 2 could file under terms 3 explained</p> <p>4 C. Mr. Silverman viewed for 5 threats, and he said they had 6 none</p> <p>7 D. The top Court of NYC state 8 that arbitration are enforceable</p>
<p>9 I informed Judge Engelmayer that I would 10 place a rule 60, under Full and Fair Credit 11 Clause before Judge Matsumoto</p> <p>12 A. Both Judge Engelmayer and AUSA 13 Karamigious said I had no business 14 on a close docket</p> <p>15 B. And the judge wrote that she would 16 not accept any more filings in this 17 case</p>	<p>9 A. I told Judge Engelmayer on 10 Dec. 1. 2021 with Full and Fair 11 Credit Clause because the 12 court below the top Court of 13 NYC said verbal contract 14 written in an email are 15 enforceable</p> <p>16 B. I informed the judge that the 17 judge would have to guess 18 how the top court would rule</p> <p>19 C. I explained that, which Judge 20 Engelmayer and the AUSAs 21 know too, that Betsy misuses 22 her 503(b) nonprofit 23 foundation for the for profit 24 paralegal business, which the 25 evidence is on Judge 26 Engelmayer's docket and 27 Judge Matsumot's docket</p>

	D. I told both judges that the collection of taxes is not a judicial act or a prosecutorial act, but a ministerial act that provides no discretion
I told Mr. Silverman did not file my criminal complaints A. Judge Engelmayer said, I don't care B. I told Mr. Lombardo not to write what Mr. Silverman did, as means to protect him	Audio sent to Ms. Kopplin of the Senate Ethics Committee, Mr. Lombardo and his supervisors, and Mr. Amundson
1. March 8, 2022, Judge Engelmayer informed me that he called Ms. Kellman, Esq. and told her why he needed her for this case—remember audio sent to everyone 2. On or around March 15, 2022, Ms. Kellman told me and Ms. Nephew what the judge wanted her to do, which was make sure that I get placed in a mental institution—this was NEVER said by Judge Engelmayer in front of me because I have it audio recorded and all AUSAs have the same audio. THEREFORE , this instruction came from Judge Engelmayer well they spoke on the phone prior March 8, 2022—I was not told the date they spoke 3. I informed Mr. Lombardo with his supervisors, Ms. Kopplin, Mr. Amundson about the transcripts because Judge Engelmayer explained them. See Exhibit B 4. On May 4, 2022, Judge Engelmayer said, “everything was planned this way,” which he made him appear happy	
JURY - 6	

- 1 5. On May 4, 2022, Ms. Kellman, in front of Mr. Silverman, said, "I committed
2 misconduct, I can't do anything about it because the judge knows too
3 because, as you see, he knew that the AUSA and officer committed
4 misconduct, as he said "it was planned this way.
5 6. I asked Judge Engelmayer about Mr. Silverman's statement of not doing his
6 job for Randi Weingarten and Officer Lombardo, I told him not to write
7 about Mr. Silverman and you should understand by now, I have been
8 protecting him too

9
10 Violation Hearing

11 On May 17, 2022, my brother emailed
12 the following: (their lack of action is
13 what Judge Engelmayer said was part
14 of the plan)

15
16
17 Lastly...are you going to tell
18 the judge that the AUSAs and Ms.
19 Kopplin have the audio recording of
20 you telling me that you did not read
21 the email that contained everything
22 that you needed to review and
23 obtain for the violation hearing? Or
24 you telling me that the judge told
25 you not to do anything—as he
26 NEVER said this in front of me and
27 ...I know you are not going to tell
28 the judge this, for sure, but you are
 required to tell the judge because
 the fact is, they have the audios of
 you and I speaking and your
 misconduct caused my situation—

1 as you allowed the government to
2 use a false report, perjury, use the
3 transcript/audio of July 20th and
4 did not witness to support that I did
5 submit the filings in the manner in
which Judge Engelmayer explained
on July 20, 2022.

6
7
8
9 On June 2, 2022, I wrote to Ms.
10 Kellman and Mr. Lombardo (their lack
11 of action is what Judge Engelmayer
12 said was his plan)

13
14
15 (everyone is responsible, but
Ms. Kellman is especially
responsible for making this
happen) I have asked to appear
in court to present my audios
sent to AUSAs to create a
record of Ms. Kellman's
misconduct—which the root of
my distrust, according to AUSA
Shaw— withholding information
that maintained my liberty is
a crime, which is what she
said about MR. Silverman, the
fact that Officer Lombardo
with his Supervisor Ms.
Weinrauch wrote a false
report—which is a denial of
due process and Ms. Kellman
knows this with her
40approved years of
experience.

1 **Please Take Notice**, it appears
2 that this is not the first
3 time that the judge and Ms.
4 Kellman pulled this move.
5 Where did not NOTHING, does
6 answer the defendant, and does
7 what judge told her what to
8 do.—Ms. Kellman remembers the
9 name because she was sued but
10 it was dismissed

11 **Please Take Notice**, these were
12 all sent to AUSAs

13 1.Judge Engelmayer said, "I
14 called Ms. Kellman myself to
15 represent you." On March 8,
16 20022

17 2.Ms. Kellman said, "the judge
18 told me only do what I had to
19 do to make sure that you are
20 placed in a mental institution
21 for mental health" I have to
22 check the date but it occurred
23 between March 8, and March 22
24 and Ms. Nephew was on the
25 call

26 3.May 4, 2022 Ms. Kellman
27 said, in front of Mr.
28 Silverman, I committed
29 misconduct and I judge knows
30 it and there's nothing I can
31 do it. (not sent to anyone)

32
33 **To Mr. Silverman**, it's been
34 over two weeks—did you clear
35 the document for threats or
36 file a complaint against Ms.
37 Kellman because she KNOWINGLY
38 screwed me over, lied to the
39 judge, and for being a NASTY
40 human. I need you to write to
41 the judge and tell him that I

1 do not trust Ms. Kellman, for
2 cause, because she was not
3 prepared and intentionally
4 screwed me over because,
according to her, the judge
told her to do nothing but
placed in a mental
institution

6 **To Mr. Lombardo**, did you
7 approve me using the internet
8 on June 13 because that is
what I was told today by my
9 NYSUT attorney, which I forgot
to ask you today? Or tell
10 the judge of Ms. Kellman not
putting in that I do not trust
her, I prefer a crackhead than
her...I can forgive a crackhead
12 for lying and screwing me over
intentionally
13

14 **To Ms. Weinrauch**, please
inform the judge that I do not
trust Ms. Kellman and the fact
94 plus AUSAs knows of your
misconduct, that you approved
a false report, aided Mr.
Silverman by not reporting
what he did, as it was sent to
you, MS. Kopplin, and Mr.
Amundson or the miscount of
Ms. Kellman...the AUSAs have the
knowledge which I provided you
case law
21

22 **To Mr. Perez**, you have not
answered question to appeal
the decision, which I can and
provide them with audios sent
to AUSAs because there is an
audio that contains proof that
of what the judge did to edit
because it relates to 28 USC §
454
27

1
2 Below is the letter sent over
3 a week ago and issues that Ms.
4 Kellman does not address
because she is KNOWINGLY
5 committing a crime.

6 I have asked you to file a
items to protect me

7
8
9 I told you that I do not trust
you and I requested a hearing
10 so that I can present that you
were prepared on any date and
11 you treated me like shit, as
12 94 AUSAs have this evident
with the lies that you told
13 me;

14
15 94 AUSAs know of your
misconduct and that of the
16 government.

17
18 I do not trust you 94, a
crackhead can be trusted

19
20
21 Mr. Lombardo and Ms.
22 Winrauch..I need you set up a
meeting with the judge, so
23 that I could call 94 AUSAs
because they know of Ms.
24 Kellman's criminal conduct and
dthe government committed
25 perjury, 94 AUSAs KNOW that
26 Judge Engelmayer allowed it
...please see the case law below
27 because it is not what Mr.
28 Silverman wrote but what the

1 judge told me on July 20,
2 2021—which is what I
3 referenced numerous times

4
5 There are filings like
6 mandamus to correct the fact
7 that the judge allowed
8 perjury, he there is an
9 appearance of collusion
10 between the Ms. Kellma
and the judge and
allowed Kellman to commit a
crime and not be prepared for
May 4—which I have audios

11
12 I appreciate the response
13 towards my inquiry on
14 medication. If the issue is me
15 bringing the medication to the
FMC, then I am ok with it.
16 However, I brought my,
17 medication on the day that I
18 was arrested, on Nov 14, 2018,
19 and I did not receive my
medication for 5 days because
20 MDC Brooklyn had to figure out
what medication I required, so
I have a little anxiety over
this issue. They sent my
medication home with my
clothes and shoes, following
my illegal detention and this
was when I arrived at MDC
Brooklyn, as the US Marshals
gave me my medication while I
waited for arraignment, at
EDNY courthouse.

1
2
3 What about the issues below,
4 as I would like them to be
5 included in the letter to the
judge this Friday—are you
going to include them?

6 I only had a detention hearing
7 probable cause hearing, please

8 I cannot go further with you b
9 you intentionally excluded evi
that there is a breakdown in c
communication and ignore my ri

10
11 Because there are documents th
the 60 days are over and I kno

12
13
14 You have done enough damage to
15 I cannot find the Supreme Cour
16 you and all AUSAs that you are
17 Engelmayer explained the speci
2021. The way Mr. Silverman w
government presented, but you

18
19
20 On remand, the district court
judgment conforms with its ora
21 States v. Bates, 213 F.3d 1336
22 sentence pronounced orally and
the written order of judgment,

23
24
25 United States v. Perkins, 935
(explaining a condition may be
26 factors)

27 As I said perjury and subornat
28 government

1
2 Please motion the judge to have all my sessions with the
3 psychiatrist/psychologist be videoed, as means to have an
4 independent psychiatrist/psychologist to review their
findings-if necessary.

5
6 I know I saw this either in a statute or case law from the
7 Supreme Court or both

8 Independent Evaluation for sentencing before or after Bunter
or whatever FMC that I am sent too

9
10 18 USC § 3006

11
12 (e) Services Other Than Counsel.—

13 (1) Upon Request.—

14 Counsel for a person who is financially unable to obtain
15 investigative, expert, or other services necessary for
16 adequate representation may request them in an ex parte
application. Upon finding, after appropriate inquiry in an ex
parte proceeding, that the services are necessary and that the
17 person is financially unable to obtain them, the court, or the
18 United States magistrate judge if the services are required in
connection with a matter over which he has jurisdiction, shall
19 authorize counsel to obtain the services.

20
21 I do not know if the judge will allow this or if the
22 government will object, but please motion the judge if I could
23 surrender myself directly to Bunter vs the US Marshal and
return from Bunter in the same manner—it is either yes or no.

24 a. This would mean I would provide my own transportation

25 b. I assume that I would have to go by Amtrak and then a
bus due to ankle bracelet.

26 c. I would provide the court with receipt of ticket for
27 Amtrak and bus ticket prior to leaving, if approved

1
2 In the order, the judge wrote quickest way to transport me to
3 an FMC institution, so I do not see the problem because I will
4 surrender myself to any FMC that is told me to go for 60 days.
5

6 Plus, I get 3 points reduction if I show at the BOP on my own
7 accord—this is only for the BOP and nothing else
8

9 In Mosely, 277 F. Supp. 3d at 1300, the defendant opposed
10 being transported and committed to the BOP facility for the
mental-health evaluation...put in both but I only oppose the
transportation
11

12 Count 1

- 13 1. Those with judicial immunity and prosecutorial immunity provide me equal
14 protection of laws, place a stay on the evaluation, stay on going to FMC
15 Kentucky, and provide me with a new hearing with a new judge, so that I
16 provide audios and witnesses to support that I did not violate anything and
17 Judge Engelmayer planned, as he stated
18 2. To provide me with a fair trial and hearings
19 3. For the AUSAs of EDNY to stop conspiring with Judge Engelmayer, Judge
20 Cogan and Randi Weingarten to deprive me rights, which I do have AUSAs
21 saying this
22 4. For senior leadership of the AUSAs of EDNY, they need to deal with AUSA
23 Karamigous and AUSA Bensing making misrepresentation to the court (see
24 docket) and presenting false report from law enforcement, as 90 AUSAs around
25 this country have the audios to know Officer Lombardo wrote a false report
26 5. Judge Livingston to deal with all my CJA lawyer and Federal Defender, but
27 Ms. Kellman and Mr. Silverman should not be allowed practice anywhere in
28

the 2d. Cir. because AUSA Shaw said that he committed crimes against me and Ms. Kellman committed the same crime by not presenting evidence AND she admitted that she the only thing that she was going to do for me was place me in a mental institution because Judge Engelmayer said so and Judge Engelmayer said, "it was planned this way."

6. Judge Livingston to deal with the misconduct of probation, as it is also criminal conduct to deny be a fair hearing, deprive access to the court and not report a crime
 7. Judge Livingston to deal with the misconduct of the clerks for not docketing my papers and helping judges. Clerk Young, I was told committed a crime by AUSA Gold and she also said that Clerk Wolfe taking time to answer about the missing document means she was one who did not document them.
 8. In both petitions that Judge Swain dismissed, the petitioners each claimed that Ms. Kellman did not communicate with them, did not anything for them or do any filings for them
 - a. **Please Take Notice**, there have been lawyers who have been discipline for this conduct, but in each opinion, Judge Swain allowed Ms. Kellman to get away with it
 - b. **Please Take FURTHER Notice**, in the 2nd Dept, there have been lawyers for this
 - c. **What is the most interesting**, both cases were Ms. Kellman and Judge Engelmayer—and Judge Engelmayer said, he called Ms. Kellman especially for him.

Count 2

9. 42 USC § 1983 claim against Judge Engelmayer, Mr. Perez, Ms. Kellman, Mr. Silverman, Officer Lombardo, AUSA Karamigous, as they conspired to

1 deprive me access to the court to state my claims of everything that is stated
2 above.

3 10. The court will decide if Judge Engelmayer lost judicial immunity on April 6,
4 2021, when he practiced law under 28 USC § 454 because he told me what my
5 intent will be and then had it edited out of the transcript, which Mr. Perez

6 11. AUSA Karamigous and Bensing have prosecutorial immunity

7 12. Over 90 AUSAs have the audios to prove this count

8
9 Dated this 9st of June, 2022

10
11
12
13 Lucio Celli, Defendant